UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/ISR/1
4 May 1995

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

ISRAEL

1. In accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Israel has the honour to submit its initial report to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Discrimination against Women.

General remarks: articles 1 and 2 of the Convention

2. The State of Israel does not have a written constitution. Nevertheless, there exist a number of legislative enactments which have quasi-constitutional status. In the field of women's rights, the following enactments should be referred to in particular:

(a) The Declaration of Independence of the State of Israel, dated 14 May 1948, does not, formally speaking, have legislative status, but has nevertheless been frequently referred to in jurisprudence of the Supreme Court of Israel as reflecting the ideological basis of the State. Among its other provisions, the Declaration refers to equality of treatment of men and women in the following provision:

> "The State of Israel ... will ensure complete equality of social and political rights to all its inhabitants, irrespective of religion, race or sex."

(b) An early enactment of the Knesset (Israel's parliament) in the field of women's rights is the Women's Equal Rights Law, 1951, section 1 of which states as a basic tenet:

"A man and a woman shall have equal status with regard to any legal proceeding; any provision of law which discriminates with regard to any legal proceeding, against women as women, shall be of no effect."

3. The latter provision, although not possessing constitutional status, and not being even an entrenched provision, is nevertheless regarded in Israel as a highly significant principle and has been the subject of treatment by case law of the Supreme Court.

4. For example, the Supreme Court of Israel in 1958 characterized the Women's Equal Rights Law as "ideological, revolutionary, bringing about a change in the social set up" whereas section 1 was intended "to eradicate all forms of legal prejudice towards women". 1/

5. The other, more specific, provisions of the Women's Equal Rights Law will be considered below.

Article 3

6. The status of legal equality under the law between men and women in Israel goes as far back as the Declaration of Independence and the formation of the State (see para. 2 (a) above). No distinction has ever been made between the sexes with regard to the right to vote as well as the requirements to stand for office. Nevertheless, women remain underrepresented on both local and national levels of government.

7. A significant decision of the Supreme Court of Israel was handed down in 1988 in the case of Shakdiel v. the Minister of Religious Affairs and the Local Authority of Yerucham. The Court held that Mrs. Shakdiel could not be disqualified from serving on the local religious affairs authority merely on the basis of her being a woman. The attempt to exclude her from office was held to be unlawful discrimination and contrary to the Women's Equal Rights Law.

8. It must be pointed out that while Israeli women are quantitatively underrepresented in the number of office holders and elected representatives, they have individually held the highest positions in public life, such as government ministers, supreme court justices and even the Office of Prime Minister.

9. One of the most formidable obstacles to increasing the representation of women in the Knesset, which varies from 5 to 10 per cent, has been the latent bias of the political party nomination process which determines who will stand for election and where their name will be ranked on the ballot. No party has ever received a majority in an Israeli election. There is therefore critical importance to where their name is ranked, as it greatly affects the likelihood of eventual election.

10. A number of public bodies are specifically concerned with advancing the status of women:

(a) The Adviser to the Prime Minister on the Status of Women, who recommends legislative, administrative and policy measures; stimulates public

awareness of women's concerns; and maintains contact with relevant local, foreign and international organizations;

(b) The Adviser on the Status of Women in the Ministry of Education and Culture supervises curricula and textbooks to ensure adherence to principles of sex equality and works to abolish stereotypes;

(c) The National Commission for Promotion of the Status of Women, which is appointed by the Prime Minister, represents every sector of society, and acts as a pressure group to advance major women's issues;

(d) The Department of Women's Employment in the Ministry of Labour and Social Affairs initiates vocational training of women, supervises conditions of employment, ensures enforcement of the Equal Opportunity in Employment Law and sets up day-care centres for children of working mothers;

(e) An appointee in charge of women employees in the Civil Service Commission handles complaints of women civil service employees on grounds of sex discrimination and other infringements of women's rights;

(f) A senior woman employee appointed in each ministry acts on behalf of her female colleagues to ensure equal opportunities for advancement and promotion in government service;

(g) A recent government decision called upon all government and affiliated bodies to strive for greater balance in women's participation in high government positions and representation on government, advisory and personnel committees;

(h) The Israel Women's Network is a public interest organization with a strong legislative lobby. It encourages women's participation at all levels of political activity.

11. Higher education is of fundamental importance in attaining advancement in social, economic and cultural fields. While there are no formal barriers based upon gender within the Israeli education system, it must be pointed out that there are cultural and social factors which influence the gender distribution amongst various fields of study. An in-depth discussion of the current state of women in education is addressed in full under article 10 below.

Article 4

12. In the area of affirmative action, the proposed Basic Law: Human Rights includes a provision that deems any measures which are taken to accelerate the de facto equality between the sexes and redress past incidents of discrimination not be deemed discriminatory.

Article 5

13. Pursuant to the report of the Prime Minister's Committee on the Status of Women of 1978, the Ministry of Education has conducted an ongoing programme of textbook review to remove instances of stereotyping within the school system. There has been great progress in this area over the years. Each book examined

is checked and revised where necessary to ensure the spirit of equality between the sexes. Pictures as well as text are revised to depict men and women performing various occupations outside the status quo of outdated stereotypes.

14. In an effort to induce teachers to avoid sexual stereotyping, the Ministry of Education has also instituted mandatory seminars for teachers, entitled "Opportunities for boys and girls within the educational system" and "To be a boy, to be a girl: What's the difference?"

Article 6

15. The Israeli Penal Code provides that most aspects of prostitution affecting the exploitation of women by others are criminal offences, while the act of prostitution itself remains unregulated. Harsh penalties are prescribed for those who: live off the earnings of a prostitute (up to five years' imprisonment), coerce a woman to perform an act of prostitution, instigate a woman to leave her place of residence for the purpose of causing her to practice prostitution, as well as maintenance or operation of a place for the practice of prostitution will subject the offender to a possible prison term of up to seven years.

Article 7

16. Full equality between men and women exists in the matters provided for under article 7. For further discussion reference should be made to our remarks in article 3 above.

Article 8

17. There is no discrimination whatever against women under Israeli law with regard to diplomatic or international posts or participation in international organizations. In principle, women have the opportunity to participate in these fields.

Article 9

18. The subject of Israeli nationality is regulated by a 1952 statute, the Nationality Law, 5712-1952, as amended.

19. Under that statute, there is no distinction between men and women with regard to the various modes of acquisition of nationality, i.e., by the Law of Return, by residence, by birth, by naturalization or by grant.

20. The statute specifies various cases of loss of nationality, i.e., renunciation or revocation under certain circumstances, such as where a person was naturalized on the basis of submitting false particulars. Marriage of a woman to an alien or change of nationality by the husband are not included among those cases so that a woman would retain her Israeli nationality in such eventualities. With regard to the nationality of children, women have equal rights with men.

21. This applies to naturalization of minor children by virtue of naturalization of their parents (section 8), provided the child concerned is a resident of Israel and the naturalized parent has a right of custody over the child.

22. An exception to this rule is that where both parents have custody over a child who is a foreign national and only one parent has become an Israeli national by naturalization, either parent can veto the naturalization of the child. Here again, there is no discrimination between father and mother.

23. Moreover, in certain cases, a minor may be granted nationality on the application of his parents, as for example where he was born outside Israel and either or both his parents are Israeli nationals. The mother and father are here again on an equal footing.

24. Under the Passports Law, 5712-1952, a child under 17 years of age may be included on the passport of either of his or her parents.

Article 10

25. In the field of education, Israel has achieved equality of opportunity between the sexes.

26. Compulsory and free education applies to all children from the age of 5 up to and including the age of 15. Children over the age of 15 and under 18 are entitled to free education.

27. Legally speaking, there is no discrimination whatsoever in respect of children of school age. Legislation relating to compulsory and free education is, generally speaking, implemented on the basis of equality of the sexes. The only exception is in the primary schools in the Bedouin settlements and in some of the Druze villages, where school attendance on the part of girl pupils falls behind that of the boys, and difficulties have been encountered in implementing the statutory provisions as to compulsory education in this regard. Ministry of Education officials are making efforts to improve school attendance of girl pupils in the above-mentioned sectors, and in this respect reduction of female pupil drop-out rates is being attempted.

28. With regard to subparagraphs (a)-(h) of article 10:

(a) As far as career and vocational guidance, access to studies and achievement of diplomas are concerned, the same conditions for male and female students are ensured at all levels of education;

(b) The same applies to access to curricula, examinations, qualified teaching staff, school premises and equipment;

(c) As referred to above, elimination of stereotyped concepts of the roles of men and women has not yet been achieved. Revision of textbooks, school programmes and teaching methods in this respect is currently under review by the Israeli Ministry of Education. Coeducation is well established on all levels of education in Israel, and is the general practice in institutions of higher

learning, as well as in the Jewish secular schools at all levels. In the Jewish religious sector, there exist coeducational schools, but the general practice there is for separate schooling for boys and girls, particularly at the secondary level (from the age of 14 onwards). In the ultra-orthodox Jewish community, separation of the sexes in all schools is axiomatic and a basic tenet of religious practice. Separation is also the norm in Muslim and Druze schools.

(d)-(h) Scholarships and grants, programmes of continuing education, participation in sports and educational information to ensure health and well-being of families are in principle available on an equal footing to men and women. Reference should be made, for example, to the Sport Law, 5748-1988, section 10 (b) of which provides that sports associations should include in their rules provisions regarding equal opportunity for women to participate in sports.

29. The following statistical information should be noted with regard to percentages of first degree women graduates of Israeli universities in the academic year 1989/90:

Field of study	Percentage of women
Engineering and architecture	14.4
Agriculture	43.4
Sciences and mathematics	48.3
Medicine (including paramedical courses and nurses)	73.4
Law	42.9
Social sciences	51.5
Humanities	73.8

Of the total first degree graduates in that year, 50.5 per cent were women, compared with 48.3 per cent in 1984/85 and 44.8 per cent in 1974/75.

Article 11

30. In the field of employment, a number of significant enactments have long been on the Israeli statute book, and others have been added more recently.

31. The first significant enactment in this field is the Employment of Women Law, 5714-1956, as amended. Section 1 gives the Minister of Labour power to make regulations restricting or prohibiting the employment of women in certain places of work or processes of production where this would be harmful to their health. Under section 2, the Minister may also make regulations laying down conditions for employment of women at night (midnight until 6 a.m., or 5 a.m. in agricultural work).

32. The statute also prohibits an employer from refusing to employ a woman who gives notice on taking up employment of her refusal for family reasons to work at night. This does not apply to certain specified workplaces such as hospitals, hotels, newspaper editorials and airlines (sect. 2 (c)).

33. A woman employee may also refuse to work at night if night work is instituted where it previously did not exist (sect. 4).

34. The statute (sect. 6) provides for a 12-week period of maternity leave which an employer must grant, of which up to 6 weeks, at the option of the employee, may be taken prior to the birth of her child. For multiple births an extra two-weeks leave is granted. Extension of maternity leave is provided for cases where a newborn child is hospitalized. Similar provisions for leave are laid down, mutatis mutandis, on the adoption of a child (sect. 6A).

35. Section 7 provides that a woman employee after a miscarriage may be absent from work for up to six weeks on the basis of a medical certificate. The section also entitles a female employee to be absent from work during pregnancy and during the six-month period following her maternity leave, to the extent required by her medical condition; she is also entitled to be absent for one hour per day during the four-month period following maternity leave irrespective of her medical condition.

36. A female employee is also entitled to be absent during in vitro fertilization or fertility treatment if her medical adviser so requires.

37. The same section also makes provision for female employees to be absent from work for up to 40 hours during each month of pregnancy in order to undergo medical supervision or tests.

38. An employer is prohibited from employing a female employee whom he knows to be on maternity leave (sect. 8).

39. Section 9 prohibits the dismissal of a female employee who is pregnant and has not yet commenced her maternity leave, except by special permit from the Minister of Labour, and the Minister is statutorily prohibited from giving such a permit if he considers that the dismissal is connected with the pregnancy. This provision applies to all female employees, whether employed in a permanent or temporary capacity, as long as the employee has been working with the same employer or at the same job for at least six months. Likewise, dismissal is prohibited during maternity leave or during periods of permissible absence for reasons connected with maternity.

40. From the fifth month of pregnancy, an employer is prohibited from employing a female employee during overtime hours, during weekly rest days or at night (sect. 10).

41. An employer is bound to bring the provisions of the statute to the attention of his female employees (sect. 12).

42. Labour inspectors have been given powers of enforcement under the statute, and there are criminal penalties for non-compliance by employers.

43. Chronologically, mention should next be made of the Employment Service Law, 5719-1959, which regulated the operation of State-run labour exchanges. Section 42 of that statute reads as follows:

"42. (a) In sending to work, the labour exchange shall not discriminate against a person on account of his age, sex, race, religion, ethnic group, country of origin, views or party affiliation, and a person requiring an employee shall not refuse to engage a person for work on account of any of these."

44. Next, the Male and Female Workers (Equal Pay) Law, 1964, section 1, lays down the following general principle:

"An employer shall pay to a female worker a wage equal to the wage paid to a male worker at that place of employment for the same work."

45. The other sections of that statute provide for settlement under the Wage Protection Law of disputes regarding wages to which a woman is entitled and for the application of the statute to State employees.

46. A more comprehensive and effective statute is the Employment (Equal Opportunities) Law, 5741-1981.

47. Section 1 lays down a general principle prohibiting discrimination, by making it illegal to refuse to accept a person for employment by reason of his or her sex or by reason of his or her being married or being a parent.

48. Further provisions of this statute prohibit discrimination in advertisements offering employment, empower the Minister of Labour to appoint inspectors to assist in enforcing the statute, establish a Public Council to advise the Minister in implementing the statute and impose criminal sanctions for non-compliance with the provisions thereof.

49. A more recent statute is the Male and Female Workers (Equal Retirement Age) Law, 1987. The principle as laid down in section 2 of that statute is as follows:

"2. Where in a collective agreement a retiring age for a female worker is fixed as lower than that fixed for a male worker, the female worker shall have the right, despite the provisions of that collective agreement, to retire from employment at any age between her retirement age and that fixed for a male worker."

50. The recent case of Nevo v. The National Labour Court et al. is illustrative of the court's sensitivity to women's rights. The appellant was employed at The Jewish Agency for a number of years. When she reached her sixtieth birthday, she received a termination notice. Her dismissal was based on section 6 of her union's collective bargaining agreement with the respondent. The relevant section provided for a mandatory retirement age of women employees set at 60 years of age while the mandatory retirement age for men was set at age 65.

51. Whereas the National Labour Court ruled in favour of the employer, the Supreme Court overturned the decision, ruling in favour of the appellant. In its ruling, the Supreme Court addressed the issues of whether it was permissible to specify different retirement ages based on gender and what effect the recently enacted Equal Retirement Age Law would have on the decision.

52. The Court dismissed the applicability of the Equal Retirement Age Law owing to the doctrine of retroactivity. Since the law was not on the statute books at the time the events in question took place it could not be a factor in the judgement. However, the Court went on to hold that while there were some instances of distinction which were permissible they must be distinguished from those of discrimination. Permissible distinction must bear a reasonable relationship to the goal which it purported to promote. Differentiating between men and women, which provided for a younger mandatory retirement age for women than that of men, implied that women were worth less in the workplace and thereby reduced a woman's equal opportunities in the workplace.

53. The Women's Equal Rights Law was said to reflect a significant and fundamental value and a principle characterizing life in Israel as a well-ordered State. The statute, it was held, promulgated a value which encompassed the whole legal system of Israel. Therefore, the court concluded, where there was no explicit contrary provision, all statutes should be construed in a way which conformed to the principle of equality between the sexes.

54. The Court went on to point out that a collective bargaining agreement was the product of negotiation between representatives of the workers and the employer and the final agreement was designed to reflect the desires of the respective parties. However, when such agreements resulted in the infringement of a fundamental right, intervention by the courts was appropriate.

55. The National Insurance Law (5728-1968) grants all workers benefits such as unemployment insurance, disability payments, child allowances as well as retirement pensions. The law further provides women with the rights to childbirth grants, 12 weeks paid maternity leave and widow's pension. Women not employed outside the home may insure themselves for old age pensions by paying a premium.

56. Certain provisions regarding unemployment and old-age pensions which operate to the disadvantage of women are in the process of being removed by legislation.

57. A recent enactment worthy of note is the Single Parent Families Law, 5752-1992, which grants a single parent priority in vocational training, in acceptance of his or her child at day-care centres, and preferential terms for a housing loan.

Article 12

58. Under law, there is no discrimination against women in the field of health care. Access to health care services, both private and public, is ensured on a basis of equality to men and women. It should, however, be pointed out that family planning is not funded by the public health programmes.

59. Abortion is regulated by the Penal Law, 5737-1977, sections 312-321. The general rule under the criminal law is that interruption of pregnancy is a criminal offence. However, a gynaecologist does not bear criminal responsibility for interrupting pregnancy if it is performed at a recognized hospital, clinic or similar medical institution and approval has been given by a

committee consisting of two medical practitioners and a social worker after obtaining the woman's informed consent.

60. Grounds for approval by the committee have to come under one of the following headings:

(a) The woman is below the minimum age for marriage or is over 40 years of age;

(b) The pregnancy was due to relations prohibited by the criminal law, incestuous relations or extramarital relations;

(c) The child is likely to have a physical or mental defect;

(d) Continuance of the pregnancy could endanger the woman's life or cause her physical or mental harm.

61. The committee has a statutory duty to give the woman a hearing before refusing its approval.

62. The Penal Law also provides that a medical practitioner bears no criminal responsibility for interrupting pregnancy, even where the case is not brought before the committee, in the following emergency situations:

(a) Where it is necessary to interrupt the pregnancy forthwith in order to save the woman's life or to prevent grave, irreparable injury to her;

(b) Where the pregnancy is interrupted in the course of other medical treatment, and is necessary for that treatment provided that the doctor did not previously know of the pregnancy.

In such cases, the doctor must inform the Ministry of Health within five days, stating the reasons for interruption of the pregnancy.

Article 13

63. Under Israeli law there is no discrimination based on gender with regard to the entitlement to secure family benefits, bank loans, or the right to participate in recreational activities or cultural events. On the contrary, as discussed above, there is a whole body of Israeli law which prohibits gender-based discrimination of any kind.

Article 14

64. Most of the 470,000 Israelis who make up Israel's rural population make their homes in the country's unique cooperative rural communities, the kibbutz and the moshav. One of the central tenets of kibbutz philosophy is equality. Women are equal members of the kibbutz in all respects. They are also socially and economically independent, as the kibbutz is the central provider, and decisions are taken by the general assembly of its members. Released from time-consuming domestic duties, women are equal participants in the kibbutz labour force, with jobs in all branches of the kibbutz economy open to them. In

contrast, however, to kibbutz women two generations ago who sought to prove their worth by doing "men's work", the majority today are reluctant to become involved in agriculture and industry, choosing instead jobs in education, health, and other services.

65. In the moshav, membership is by family. The moshav is a self-governing agricultural community, comprising an average of 60 families, each of which maintains its own household, while purchasing, marketing and provision of community services are cooperatively handles. Agriculture is the main source of employment and income in the moshav, and the basic work force of each farm is the family.

66. During the early years, moshav women had to cope with the double load of working on the farm and taking care of home and children. Today with the introduction of mechanization in agriculture and labour-saving devices in the home, women have more time and thus the option to seek employment outside the home and farm.

67. In the moshav as well as in the kibbutz, all the policy decisions are made by committees which deal with the various aspects of community life, from economics to education. In many committees, especially those dealing with cultural, social and health-related issues, women are the dominant factor. In this way, women play an important role in shaping life in these communities.

68. It should be pointed out that Arab women employed in seasonal agricultural labour are in a disadvantageous position regarding working conditions.

Article 15

69. Israel recognized the importance of ensuring equality before the law to all its citizens irrespective of gender from the earliest days of statehood. See section 1 of the Women's Equal Rights Law of 1951 in paragraph 2 (b) above, and also section 2 of that statute:

> "2. A married woman shall be fully competent to own and deal with property as if she were unmarried; her rights in property acquired before her marriage shall not be affected by her marriage."

70. In accordance with that article, women have an equal ability with men to appear in court as legal representatives as well as to sit as judges, with the only exceptions being as stated in Israel's reservation regarding article 7 (b) of the Convention, concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel.

71. The Capacity and Guardianship Law, 5722-1962, without making any gender-based distinction, provides as follows:

> "1. Every person shall be capable of having rights and obligations from the completion of his birth until his death.

"2. Every person shall be capable of performing legal acts, unless he has been deprived of this capacity or it has been restricted by law or by the judgement of a court of law."

72. This statute provides for diminished legal capacity only in the instances of minors and other legal incompetents. It follows from the above that legal incapacity cannot arise merely as a result of gender.

73. All Israeli citizens, men and women, have been guaranteed the right to enter or leave the country as they choose through the recently enacted Basic Law: Human Dignity and Liberty, which provides that:

"6. (a) All persons are free to leave Israel.

"(b) Every Israeli national has the right of entry into Israel from abroad."

Article 16

74. In principle, there exists equality on all matters relevant to family relations and marriage. However, there are certain provisions in the laws of the various religious communities which have different rules for men and women, particularly with reference to laws affecting divorce.

75. For this reason, Israel entered the reservation with regard to article 16 in so far as the laws of personal status binding on the several religious communities in Israel do not confirm with the provisions of this article.

76. With regard to paragraph 1 (a)-(c) of article 16, on ratification of the Convention, Israel expressed its reservation regarding article 16 in so far as the laws of personal status binding in the several religious communities in Israel do not conform with the provisions of that article.

77. Matters of marriage and divorce in Israel are within the jurisdiction of the courts of the several religious communities, which apply religious law to matters brought before them. Under Jewish religious law, a woman cannot be divorced against her will. In the Rabbinical Courts, in divorce proceedings, it is the husband who initiates such proceedings and there are no effective means of compelling him to do so.

78. It should be mentioned in this context that the criminal law prohibits bigamy, under a maximum penalty of five years' imprisonment. A purported dissolution of a marriage by the husband against the will of the wife is also a criminal offence on his part, carrying the same penalty.

79. In terms of paragraph 1 (d) of article 16, the Capacity and Guardianship Law, 5722-1962, section 14, states that parents shall be the natural guardians of their children. Section 17 provides that in the exercise of their guardianship, parents shall act in the best interest of the child.

80. Attention should also be directed to section 3 of the Women's Equal Rights Law, whereby:

"3. (a) Both parents are the natural guardians of their children; where one parent dies, the survivor shall be the natural guardian.

"(b) The provisions of subsection (a) shall not derogate from the power of a competent court or tribunal to deal with matters of guardianship over the persons or property of children with the interest of the children as the sole consideration."

81. With respect to paragraph 1 (e) of article 16, choices in the area of family planning and access to information, education and means to make such choices are available to all Israelis regardless of gender.

82. With regard to paragraph 1 (f), see reference to section 14 of the Capacity and Guardianship Law (para. 79 above) and section 3 of the Women's Equal Rights Law (para. 80 above).

83. Under our adoption legislation, ability to adopt is generally confined to married couples. In those limited cases where a single adopter is allowed there is no gender discrimination, but in practice, most cases of adoption granted to a single adopter occur where the applicant parent is a woman. In all cases of adoption, the welfare of the child is the paramount interest.

84. With regard to paragraph 1 (g), the freedom for all Israeli citizens to work in the profession of their choice is ensured by the recently enacted Basic Law: Freedom of Occupation, which provides in section 1 that "every Israeli national or resident has the right to engage in any occupation, profession or trade". This right can only be limited by statute enacted for a proper purpose and for the general welfare.

85. The Names Law, 5716-1956, gives women a number of different options as to the surname she may choose to go by after marriage. Section 6 provides that upon marrying, a woman normally takes the surname of her husband, but she may retain her former surname exclusively or in addition to her husband's surname. Moreover, section 7 states:

"7. Where a woman has received the surname of her husband, whether she bears it by itself or in addition to her maiden name or previous surname, and the marriage is dissolved, she may, at any time, reassume her maiden name or previous surname."

86. With respect to paragraph 1 (h), see provisions of the above-mentioned Women's Equal Rights Law, in particular, section 2 thereof, which provides:

"A married woman shall be fully competent to own and deal with property as if she were unmarried; her rights in property acquired before her marriage shall not be affected by her marriage."

87. With regard to paragraph 2 of article 16, the Marriage Age Law, 5710-1950, prohibits the marriage of girls below the age of 17. Anyone who assists in the

marriage of a girl below the age of 17 commits a criminal offence. The fact that a marriage takes place in contravention of the Marriage Age Law is a ground for annulment of the marriage.

88. In certain exceptional circumstances, the court may permit the marriage of a girl below the age of 17. These circumstances are limited to her having borne a child to, or becoming pregnant by, the man she wishes to marry, or having already attained the age of 16 and there being sufficient justification.

Notes

1/ Sides v. Rabbinical Court, High Court Action 202/57 12 Piskei Din (Supreme Court Reports), 1537.